

MATTHEW D. POWERS (Bar No. 104795)
matthew.powers@tensegritylawgroup.com
 WILLIAM NELSON (Bar No. 196091)
william.nelson@tensegritylawgroup.com
 ROBERT GERRITY (Bar No. 268084)
robert.gerrity@tensegritylawgroup.com
 NATASHA SAPUTO (Bar No. 291151)
natasha.saputo@tensegritylawgroup.com
 SAMANTHA JAMESON (Bar No. 296411)
samantha.jameson@tensegritylawgroup.com
 JENNIFER ROBINSON (Bar No. 270954)
jen.robinson@tensegritylawgroup.com
 WANLI CHEN (Bar No. 300254)
wanli.chen@tensegritylawgroup.com
 DANIEL M. RADKE (Bar No. 307718)
daniel.radke@tensegritylawgroup.com
 TENSEGRITY LAW GROUP, LLP
 555 Twin Dolphin Drive, Suite 650
 Redwood Shores, CA 94065
 Telephone: (650) 802-6000
 Fax: (650) 802-6001

Attorneys for Plaintiff
 ARISTA NETWORKS, INC.

[Additional Counsel Listed in Signature Block]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ARISTA NETWORKS, INC.,)	Case No. 5:16-cv-00923-BLF
)	
Plaintiff,)	PLAINTIFF ARISTA NETWORKS,
)	INC.'S ADMINISTRATIVE MOTION
vs.)	FOR LEAVE TO FILE UNDER SEAL
)	PORTIONS OF ARISTA'S PROFFER OF
CISCO SYSTEMS, INC.)	EVIDENCE REGARDING
)	APPORTIONMENT OF DAMAGES
Defendants.)	
)	
)	DEMAND FOR JURY TRIAL
)	

Pursuant to Civil Local Rules 7-11 and 79-5(d), Plaintiff Arista Networks, Inc. (“Arista”) respectfully files this administrative motion for permission to file under seal portions of Arista’s Proffer of Evidence Regarding Apportionment of Damages (“Arista’s Proffer”) and the entirety of certain exhibits thereto as referenced in the below table.

This motion is further supported by the Declaration of William Nelson in Support of Arista’s Administration Motion to File Under Seal Portions of Arista’s Proffer of Evidence Regarding Apportionment of Damages and exhibits thereto.

Arista respectfully moves for an order sealing the documents and/or portions of the documents identified in the table below:

Document	Portion Under Seal	Basis
Arista’s Proffer	Page 1, portions of line 8 Page 4, portions of line 11 Page 5, portions of lines 22, 23-25, and 27-28 Page 6, portions of lines 1-4 and 20 Page 7, portions of lines 2, 6, 15, and 25	Local Rule 79-5(e): Designated by a Designating Party as Highly Confidential under Protective Order
Arista’s Proffer	Page 6, portions of lines 23-27 Page 7, portions of lines 3, 5, 7-9, 15, 18, 19, and 26 Page 8, portions of lines 2-6, 9-11, 17, and 27-28 Page 9, portions of lines 1-19 Page 10, portions of lines 12-15, 22-23, and 25-28 Page 11, portions of lines 5, 6, 8-9, 16-17, and 26 Page 12, portions of lines 14, 20-21, and 23-25	Local Rule 79-5(e): Designated by a Designating Party as Highly Confidential under Protective Order

Document	Portion Under Seal	Basis
Exhibit 3 to Arista's Proffer	Entire Document	Local Rule 79-5(e): Designated by a Designating Party as Highly Confidential under Protective Order
Exhibit 4 to Arista's Proffer	Entire Document	Local Rule 79-5(e): Designated by a Designating Party as Highly Confidential under Protective Order
Exhibit 6 to Arista's Proffer	Entire Document	Local Rule 79-5(e): Designated by a Designating Party as Highly Confidential under Protective Order
Exhibit 7 to Arista's Proffer	Entire Document	Local Rule 79-5(e): Designated by a Designating Party as Highly Confidential under Protective Order

Page 1, portions of line 8, page 4, portions of line 11, page 5, portions of lines 22, 23-25, and 27-28, page 6, portions of lines 1-4 and 20, and page 7, portions of lines 2, 6, 15, and 25 of Arista's Proffer contain information Cisco has designated "Confidential" or "Highly Confidential" under the parties' prior Stipulated Protective Order. For that reason, Arista seeks leave to file the document under seal. Arista will also publicly file a redacted version of this document. Arista expects that, pursuant to L.R. 79-5(d), Cisco will file a declaration with the Court consenting to the public filing of this document or explaining why any remaining portions are sealable.

Page 6, portions of lines 23-27, page 7, portions of lines 3, 5, 7-9, 15, 18, 19, and 26, page 8, portions of lines 2-6, 9-11, 17, and 27-28, page 9, portions of lines 1-19, page 10, portions of lines 12-15, 22-23, and 25-28, page 11, portions of lines 5, 6, 8-9, 16-17, and 26, and page 12, portions of lines 14, 20-21, and 23-25 of Arista's Proffer and the entirety of Exhibits 3, 4, 6, and 7 contain the names of Arista customers, Arista's financial information including profits, revenue, and customer vertical groupings used by Arista in its strategic planning, sales, marketing, and performance evaluation efforts, and the number of Arista's customers who decided not to purchase Arista's products due to Cisco's litigation against Arista or fear of Cisco's litigation. This information is maintained as confidential by Arista and if revealed could result in competitive harm to Arista. Specifically, if

Arista's competitors were to learn the names of Arista customers, Arista's financial information including profits, revenue, and customer vertical groupings used by Arista in its strategic planning, sales, marketing, and performance evaluation efforts, and the number of Arista's customers who decided not to purchase Arista's products due to Cisco's litigation against Arista or fear of Cisco's litigation, Arista's competitors could use this information to the competitive disadvantage of Arista in the sales cycle. The Court previously ordered the information related to the number of Arista's customers who decided not to purchase Arista's products due to Cisco's litigation against Arista or fear of Cisco's litigation sealed. ECF No. 279 (Order Granting Sealing Motion at ECF 275) at 3 (granting motion to seal the same information at page 34, line 8 of the Court's Summary Judgment Order); ECF No. 266 (Omnibus Order Re: Sealing Motions) at 13 (granting motion to seal as to highlighted portion at page 19 of Plaintiff Arista Networks, Inc.'s Opposition to Cisco's Motion for Summary Judgment). *See also* the Declaration of William P. Nelson in Support of Arista's Administration Motion to File Under Seal Portions of Arista's Proffer of Evidence Regarding Apportionment of Damages and exhibits thereto.

The bases for sealing Exhibits 3, 4, 6, and 7 are addressed in the Declaration of William P. Nelson in Support of Arista's Administration Motion to File Under Seal Portions of Arista's Proffer of Evidence Regarding Apportionment of Damages and exhibits thereto.

Dated: June 28, 2018

Respectfully submitted,

/s/ William P. Nelson

MATTHEW D. POWERS (SBN 104795)
 WILLIAM NELSON (SBN 196091)
 ROBERT GERRITY (SBN 268084)
 NATASHA SAPUTO (SBN 291151)
 SAMANTHA JAMESON (Bar No. 296411)
 JENNIFER ROBINSON (Bar No. 270954)
 WANLI CHEN (Bar No. 300254)
 DANIEL M. RADKE (Bar No. 307718)
 TENSEGRITY LAW GROUP, LLP
 555 Twin Dolphin Drive, Suite 650
 Redwood Shores, CA 94065
 Telephone: (650) 802-6000
 Facsimile: (650) 802-6001
 Email:
matthew.powers@tensegritylawgroup.com
william.nelson@tensegritylawgroup.com
robert.gerrity@tensegritylawgroup.com

natasha.saputo@tensegritylawgroup.com
samantha.jameson@tensegritylawgroup.com
jen.robinson@tensegritylawgroup.com
wanli.chen@tensegritylawgroup.com
daniel.radke@tensegritylawgroup.com

DAVID H. REICHENBERG (*Pro Hac Vice*)
COZEN O'CONNOR
277 Park Avenue, 19th Floor
New York, NY 10172
Telephone: (212) 883-4900
Fax: (646) 461-2091
Email:
dreichenberg@cozen.com

JONATHAN M. JACOBSON (NY SBN 1350495)
CHUL PAK (*Pro Hac Vice*)
WILSON SONSINI GOODRICH & ROSATI
1301 Avenue Of The Americas, 40th Floor
New York, NY 10019
Telephone: (212) 999-5800
Facsimile: (212) 999-5899
Email:
jjacobson@wsgr.com
cpak@wsgr.com

SUSAN CREIGHTON (SBN 135528)
SCOTT A. SHER (SBN 190053)
BRADLEY T. TENNIS (SBN 281206)
WILSON SONSINI GOODRICH & ROSATI
1700 K Street NW, Fifth Floor
Washington, D.C., 20006
Telephone: (202) 973-8800
Facsimile: (202) 973-8899
Email:
screighton@wsgr.com
ssher@wsgr.com
btennis@wsgr.com

ROBERT A. VAN NEST (SBN 84065)
BRIAN L. FERRALL (SBN 160847)
DAVID J. SILBERT (SBN 173128)
NICHOLAS DAVID MARAIS
KEKER & VAN NEST LLP
633 Battery Street
San Francisco, CA 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
Email:
rvannest@keker.com
bferrall@keker.com
dsilbert@keker.com
nmarais@keker.com

Attorneys for Plaintiff
ARISTA NETWORKS, INC.